

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED
07/22/2021 3:28 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Fee increases for the private investigator and provisional investigator licenses.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/31/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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DPSST
4190 Aumsville Hwy SE
Salem, OR 97317

Filed By:
Jennifer Howald
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/18/2021
TIME: 4:00 PM
OFFICER: Jennifer Howald
ADDRESS: Virtual Rulemaking Hearing
Hosted by DPSST through WebEx
See Special Instructions Below
Salem, OR 97317

SPECIAL INSTRUCTIONS:
Persons who want to provide comment during the hearing need to join the meeting no later than 4:15 P.M.

Two ways to join the meeting:

Join the WebEx meeting online at:
<https://dpsstmeet.webex.com/dpsstmeet/j.php?MTID=maedbaecb48abe2f7bdd7db34ea317032>

Meeting number (access code): 177 528 2771

Meeting password: Investigator

DATE: 08/24/2021
TIME: 9:00 AM
OFFICER: Jennifer Howald
ADDRESS: Virtual Rulemaking Hearing
Hosted by DPSST through WebEx
See Special Instructions Below
Salem, OR 97317

SPECIAL INSTRUCTIONS:
Persons who want to provide comment during the hearing need to join the meeting no later than 9:15 A.M.

Two ways to join the meeting:

Join the WebEx meeting online at:
<https://dpsstmeet.webex.com/dpsstmeet/j.php?MTID=maedbaecb48abe2f7bdd7db34ea317032>

Meeting number (access code): 177 528 2771

Meeting password: Investigator

The meeting link will also be posted on the DPSST website.
<https://www.oregon.gov/dpsst/Pages/Rules.aspx>

The meeting link will also be posted on the DPSST website.
<https://www.oregon.gov/dpsst/Pages/Rules.aspx>

~OR~

~OR~

Join the WebEx meeting by phone:

Join the WebEx meeting by phone:

Dial: 415-655-0001

Dial: 415-655-0001

Phone access code: 177 528 2771 ##

Phone access code: 177 294 8000 ##

Optional: E-mail Jennifer.howald@dpsst.oregon.gov to request an emailed copy of the link to the meeting and/or to sign-up in advance to make comments.

Optional: E-mail Jennifer.howald@dpsst.oregon.gov to request an emailed copy of the link to the meeting and/or to sign-up in advance to make comments.

NEED FOR THE RULE(S):

Oregon Revised Statute (ORS) 703.480 grants the Board on Public Safety Standards and Training (BPSST), in collaboration with the Private Security and Investigator Policy Committee, the authority to establish fees relating to the application for and the issuance, renewal, and inactivation of investigators' licenses. The fees may not exceed the cost of the Department of Public Safety Standards and Training (DPSST) administration of the licensing program.

The DPSST experienced a budget deficit for the private investigator licensing program for the 2019-2021 biennium. The budget deficit is attributed to the agency's increased administrative costs over time.

The costs associated with the administration of the investigator licensing program have increased to the point that the current fee no longer covers the costs of the licensing program. Administration costs include, but are not limited to staffing, supplies, travel, technology services, rent, and legal costs.

After a review of the current budget projections, past biennial budgets, revenues, deficits, and the inflation of administrative costs over time, the DPSST found that a fee increase is necessary to cover the increased administrative costs of the investigator licensing program. The new fee amounts outlined in the proposed rule change include a 20% increase over the current fee.

Without the fee increases, the DPSST will face a revenue shortfall in the 2021-2023 biennium.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The Private Security and Investigators (PSIPC) Policy Committee and the Board on Public Safety Standards and Training (BPSST) meeting minutes are available on the Department of Public Safety Standards and Training (DPSST) website, www.oregon.gov/dpsst. The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

FISCAL AND ECONOMIC IMPACT:

The fee for issuance or renewal of an investigator license has not increased for 15 years.

The DPSST experienced a budget deficit for the private investigator licensing program for the 2019-2021 biennium. The budget deficit is attributed to the agency's increased administrative costs over time.

This rule change increases the licensure fee for a two-year private investigator or provisional investigator license by \$110 dollars per licensure period. The cost for issuance or renewal of an investigator license will change from \$550 to \$660. The new fee amounts reflect a 20% increase over the current fees.

The fee for a late renewal application will increase by \$5, from \$25 to \$30. The fee for a duplicate or replacement license will increase by \$4, from \$20 to \$24.

The fee increases are planned to become effective on January 1, 2022. Without the fee increases, the DPSST will face a revenue shortfall in the 2021-2023 biennium.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no state agencies or units of local government identified as likely to be economically affected by the rules.

Licensed private and provisional investigators may be considered small businesses. New applicants for licensure may be considered small businesses or members of the public.

Applicants and licensed investigators will experience a \$110 increase in the licensure fee when applying for or renewing a license on or after January 1, 2022. The license fee changes from \$550 to \$660.

The fee for a late renewal application will increase by \$5, from \$25 to \$30.

The fee for a duplicate or replacement license will increase by \$4, from \$20 to \$24.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Potentially affected entities were involved through their representation on the Private Security and Investigators (PSIPC) Policy Committee and the Board on Public Safety Standards and Training. Small businesses, as well as public and private safety agencies, law enforcement units, state agencies, units of local government, and the public are invited to submit written comments to the agency rules coordinator during the public comment period on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact on business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 259-061-0010

RULE SUMMARY: Private and provisional investigators pay a license fee when applying for or renewing an investigator license. The investigator license is issued for a two-year period.

This proposed rule change increases the fee for a private provisional investigator license. The anticipated effective date of the fee increase is January 1, 2022.

Applicants and licensed investigators will experience a \$110 increase in the licensure fee when applying for or renewing a license on or after January 1, 2022. The license fee changes from \$550 to \$660.

Other fee changes: The fee for a late renewal application will increase by \$5, from \$25 to \$30. The fee for a duplicate or replacement license will increase by \$4, from \$20 to \$24.

Why are fee increases necessary?

The costs associated with the administration of the investigator licensing program have increased to the point that the current fee no longer covers the costs of the licensing program. Administration costs include, but are not limited to staffing, supplies, travel, technology services, rent, and legal costs.

After a review of the current budget projections, past biennial budgets, revenues, deficits, and the inflation of administrative costs over time, the DPSST found that a fee increase is necessary to cover the increased administrative costs of the investigator licensing program. The new fee amounts outlined in the proposed rule change include a 20% increase over the current fee.

Without the fee increases, the DPSST will face a revenue shortfall in the 2021-2023 biennium.

CHANGES TO RULE:

259-061-0010

Fees and Payments ¶¶

(1) Payments.¶¶

(a) The Department accepts business checks, money orders, cashier's checks, and credit cards approved by the Department. Credit card payments may require submission of additional verification information as designated by the Department. The Department does not accept personal checks or cash.¶¶

(b) Fees for licensure are due at the time of application.¶¶

(c) Amounts due to the Department for fees or penalties are non-refundable and non-transferable.¶¶

(d) Applicants who choose to withdraw their application or fail to complete the application process forfeit their application fees.¶¶

(2) Fees charged by the Department include:¶¶

(a) Private Investigator License Fee - ~~\$550~~ \$660;¶¶

(b) Provisional Investigator License Fee - ~~\$55660~~;

(c) New Application Fee - ~~\$29~~;

(d) Fingerprint Criminal History Check Fee - The current fee for processing a fingerprint criminal history check may be obtained from the Department. This fee is to recover the costs of administering the fingerprint check through the Oregon State Police and the Federal Bureau of Investigation. This fee is separate from and does not apply to any fees charged by a fingerprinting services vendor. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by the FBI;

(e) Late Renewal Fee - ~~\$2530~~. A late fee is required when the Department receives an application for renewal after the expiration date;

(f) Duplicate or Replacement License Fee - ~~\$204~~;

(g) Reactivation of Inactive License Fee (OAR 259-061-0160) - ~~\$50~~; and

(h) Non-sufficient Funds (NSF) Penalty Fee - ~~\$25~~.

(3) If the Department receives payment of any fees or penalty by check and the check is returned to the Department as a non-sufficient funds (NSF) check, the payer of the fees or penalty will be assessed an NSF penalty fee in addition to the required payment of the fees or penalty.

(4) Overpayment of Amounts Due.

(a) The Department will reject payments that include an overpayment of the amount due that is \$10.01 or more.

(b) The Department may accept payments that include an overpayment of the amount due when the overpaid amount is \$10.00 or less.

(c) Overpayment amounts that are \$10.00 or less will only be refunded upon receipt of a written request from the person who made the overpayment, or the person's legal representative. The written request must be received by the Department within three years of the overpayment.

Statutory/Other Authority: ORS 703.480, ORS 293.445

Statutes/Other Implemented: ORS 703.480, ORS 293.445